

# Calendar No. 1893

82D CONGRESS }  
2d Session }

SENATE

} REPORT  
No. 1949

## F. ARCHIE MEATYARD

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 5496]

The Committee on the Judiciary, to which was referred the bill (H. R. 5496), for the relief of F. Archie Meatyard, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

#### PURPOSE

The purpose of the proposed legislation is to pay the sum of \$500.20 to F. Archie Meatyard, of Bethesda, Md., a United States commissioner, for the amount of fees which he earned between January 17 and May 7, 1951, while acting as United States commissioner for the district of Maryland, but which was not paid because his term as United States commissioner expired on January 16, 1951, and through an oversight his appointment for another term was not effective until May 8, 1951.

#### STATEMENT

The term of F. Archie Meatyard, United States commissioner for the district of Maryland, terminated on January 16, 1951. Through what is now characterized by the Department of Justice as an oversight, his appointment for another term was not effective until May 8, 1951. During the period between January 17 and May 8, 1951, Mr. Meatyard continued to serve as the United States commissioner for the district of Maryland in a de facto status rather than a de jure status. The services were actually performed by him in good faith on behalf of the Government. The award specified in this bill

represents the basic fees to which Mr. Meatyard would have been entitled had his reappointment been effective on the day following the termination of his previous appointment.

The Department of Justice in its report on this legislation finds no objection to the enactment of the bill. The report further cites a bill (H. R. 5307, 79th Cong., 2d sess.) similar to this claim, which was approved by the President on June 8, 1946.

Whatever the cause for the delay in the reappointment of Mr. Meatyard may have been, the effect of the delay is clear. Unless this bill is passed by the Congress, Mr. Meatyard will be deprived of compensation for the services rendered by him in good faith. The committee does not believe that Mr. Meatyard should be penalized for a delay for which he was not at fault. Consequently, the committee recommends favorable consideration of this legislation.

Attached hereto and made a part of this report is the report of the Department of Justice submitted in connection with this legislation; a memorandum of the Chief Auditor of the United States Courts, and a letter addressed to the Chief Judge of the United States District Court, Baltimore, Md., from the Assistant Director of the Administrative Office of the United States Courts.

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DEPARTMENT OF JUSTICE,  
OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, November 5, 1951.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 5496) for the relief of F. Archie Meatyard.

The bill would provide for payment of the sum of \$500.20 to F. Archie Meatyard, United States commissioner, Bethesda, Md., which sum represents the amount of fees which he earned between January 17 and May 7, 1951, while acting as United States commissioner for the district of Maryland but which was not paid because his term as United States commissioner expired on January 16, 1951, and through an oversight his appointment for another term was not effective until May 8, 1951.

In compliance with your request, a report was obtained from the Administrative Office of the United States Courts concerning this legislation. According to that report, which is enclosed, the basic fees disallowed total \$361, and the applicable increases under the Federal Employees Pay Acts of 1945 and 1946 in the sum of \$139.20 make up the balance of the sum of \$500.20 specified in the bill.

The report observes that although Mr. Meatyard served in a de facto rather than a de jure status during the period in question, the services referred to were actually performed by him in good faith on behalf of the Government and in that respect the claim is meritorious.

The report directs attention to a similar bill (H. R. 5307) which was enacted by the Seventy-ninth Congress, second session, and was approved on June 8, 1946.

The Department of Justice finds no objection to the enactment of the bill.

The Director of the Bureau of the Budget has advised this office that there would be no objection to submission of this report.

Sincerely,

A. DEVITT VANECH,  
*Deputy Attorney General.*

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS,  
Washington 13, D. C., June 29, 1951.

Memorandum for Mr. Whitehurst.

With regard to the proposed action to be taken in submitting a bill for relief in behalf of United States Commissioner F. Archie Meatyard, Bethesda, Md., as a result of a lapse in his appointment status between January 17 and May 7, 1951, inclusive which resulted in deductions by this office of all fees earned by him during this period, there are listed below the basic fees which were deducted from accounts which he submitted for the quarters ended January 31, April 30, 1951, and the period May 1 to 7, 1951, and the additional compensation which would have been allowed him under the Federal Employees' Pay Acts of 1945 and 1946:

Jan. 17 to 31, 1951:	
Basic fees.....	\$37. 50
Public Law 106.....	7. 50
Public Law 390.....	
Total.....	45. 00
Feb. 1 to Apr. 30, 1951:	
Basic fees.....	308. 50
Public Law 106.....	61. 70
Public Law 390.....	62. 50
Total.....	432. 70
May 1 to 7, 1951:	
Basic fees.....	15. 00
Public Law 106.....	3. 00
Public Law 390.....	4. 50
Total.....	22. 50
Grand total.....	500. 20

From our calculation the amount of a bill of relief to be submitted to the Congress should be \$500.20. I am enclosing a copy of a bill enacted for the relief of John Duncan McDonald, former United States commissioner in the western district of Michigan, which may be used as a sample in drafting a bill for the relief of Mr. Meatyard.

J. A. CLEMENTS, *Chief Auditor.*

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS,  
Washington 13, D. C., July 10, 1951.

Hon. WILLIAM C. COLEMAN,  
*Chief Judge, United States District Court,  
Baltimore 2, Md.*

DEAR JUDGE COLEMAN: I enclose herewith a memorandum prepared by our chief auditor from which it appears that the amount which Commissioner Meatyard was penalized by reason of the oversight in connection with his reappointment was \$500.20. Therefore, the bill for his relief should be prepared for that amount. I also enclose copy of an act for the relief of John Duncan McDonald, approved September 30, 1944, which was enacted to take care of a similar situation. I have used this act in preparing the draft of a proposed bill for the relief of Mr. Meatyard which is also enclosed.

With kind regards,  
Sincerely yours,

ELMORE WHITEHURST,  
*Assistant Director.*

